

YVONNE S. WALKER, PERSONAL
REPRESENTATIVE OF THE ESTATE
OF JAMES GLENN WALKER,
DECEDENT, AND MARTIN L.
TAYLOR, ANCILLARY
ADMINISTRATOR OF THE ESTATE of
JAMES GLENN WALKER,
DECEDENT.

V.

Defendants.

By: Jackson L. Kiser
Senior United States District Judge

For the reasons stated in the accompanying *Memorandum Opinion*, I hereby **grant** the Defendants' *Motion for Summary Judgment* with regard to the Plaintiffs' first theory – that the Defendant was negligent in failing to keep a proper lookout in the moments immediately before impacting the decedent. I hereby **deny** the Defendants' *Motion for Summary Judgment* with regard to the Plaintiffs' second theory – that the negligence of the Defendant in failing to stop his truck immediately upon recognizing some resistance to his left front wheel proximately caused the death of the decedent. I hereby **grant** the Plaintiffs' *Motion for Partial Summary Judgment* with regard to the Defendants' claim that the decedent was contributorily negligent in the

moments immediately before being struck by the Defendants' truck..

The Clerk of the Court is hereby directed to send a certified copy of this *Order* and the accompanying *Memorandum Opinion* to all counsel of record.

Entered this 28th day of April, 2006.

s/Jackson L. Kiser
Senior United States District Judge